

Legal Environment

The constitution and governing institutions in France support an open media environment, although certain laws limit aspects of press freedom and freedom of expression in practice. Strict defamation laws impose fines on those found guilty, and the French penal code also punishes efforts to justify war crimes and crimes against humanity, as well as incitement to discrimination and violence. Holocaust denial is a crime under the 1990 Gayssot Act. In July 2013, a provision of the press code that mandated a €45,000 (\$61,000) fine for insulting the president was repealed after the European Court of Human Rights found that it violated freedom of expression. However, the repeal did not affect a provision—which remained in place in 2014—that applies the same penalty to defamation of public officials.

Defamation laws are often used to pressure journalists. In April 2012, then president Nicolas Sarkozy sued the online journal *Mediapart* for running a story alleging that he had accepted millions of dollars in campaign funds in 2007 from former Libyan leader Mu'ammar al-Qadhafi. Sarkozy claimed that the letter *Mediapart* cited was forged, but graphologists confirmed the document's authenticity in November 2014. In 2013, the Collective Against Islamophobia in France (CCIF) filed charges against *Le Figaro* journalist Ivan Rioufol for making allegedly discriminatory comments on a radio program; the case remained open as of the end of 2014.

Several high-profile defamation cases arose in 2014, the most notable involving current president François Hollande's chief of staff, Jean-Pierre Jouyet, and former prime minister François Fillon. In a book, two *Le Monde* journalists, Gérard Davet and Fabrice Lhomme, alleged that Fillon had encouraged Jouyet to expedite an investigation into Sarkozy—who was accused of misappropriating party funds—in order to derail Sarkozy's campaign for the 2017 presidential election. Both Fillon and Jouyet denied the allegations until *Le Monde* printed excerpts from a recorded conversation between the two men. Fillon filed three separate counts of libel against Jouyet, as well as the journalists and the paper itself. Fillon also sued the journalists to obtain access to the recorded conversation that substantiated the report—in violation of source-protection regulations. The cases remained unresolved at year's end.

Also during 2014, the tabloid magazine *Closer* paid a €12,000 (\$16,000) fine to Valérie Trierweiler, Hollande's former partner, for violating her privacy; the magazine was also assessed a suspended fine on similar grounds for its reporting on actress Julie Gayet, who had an affair with the president. Front National (National Front) deputy leader Florian Philippot sued the tabloid for defamation after an article indicated that he was gay; in December, *Closer* was fined €20,000 violating his privacy. In November, satirical weekly *l'Agglo-Rieuse* was forced to pay exorbitant damages for a 2010 story about legal actions against businessman Robert Garzillo; the journalist and publisher were fined a total of €91,200 (\$124,000).

France's hate-speech laws came under scrutiny 2014, as French comedian Dieudonné M'bala M'bala, known as Dieudonné, was forced to cancel shows for allegedly inciting anti-Semitism with the "quenelle," a hand gesture that many argue is an inverted Nazi salute. The comedian owes over €65,000 in fines related to his numerous hate-speech convictions in recent years. In February, he was forced to remove two controversial segments from a YouTube video of one of his performances for alleged racial defamation and Holocaust denial. He was dismissed from a separate hate-speech trial in June for content in the same video.

A counterterrorism bill approved by parliament in November 2014 came under fire for its ambiguous provisions that could limit free speech, especially online. It removed the criminal offenses of publicly

inciting or “glorifying terrorism” (“*apologie du terrorisme*”) from the 1881 press law and added them to the criminal code; accordingly, those broadly defined crimes would incur a punishment of up to seven years in prison and a €100,000 (\$136,000) fine if committed online. The offenses, if committed offline, were subject to five years in prison and a €75,000 fine. The new law also authorizes the authorities to ask internet service providers to block sites for glorifying terrorism, and allows the police to use online monitoring and surveillance to detect violators.

The 2011 Law on Guidelines and Programming for the Performance of Internal Security (LOPPSI 2) allows sites suspected of containing child pornography to be blocked without a court order. It also allows police to install or remove spyware under judicial oversight. A new military programming law passed in December 2013 gives extensive rights to government agencies to monitor the internet and phone usage of French citizens in real time. The law requires no judicial supervision, and provides for broad grounds on which to justify surveillance of an individual. Among other problems, the law potentially jeopardizes the confidentiality of journalists’ sources.

A January 2010 law strengthened protection of sources in France, mandating that journalists can only be compelled to reveal sources necessary for the investigation of a serious crime. In March 2012, the Paris court of appeals cited a procedural technicality in rejecting a case in which former prosecutor Philippe Courroye was accused of illegally obtaining the telephone records of journalists at *Le Monde* in 2010. However, after an appeal, the case was allowed to move forward in 2013; Courroye was summoned to testify in front of the High Audiovisual Council (CSA), France’s regulatory body for electronic media, in mid-November 2013. In February 2014, it was ruled that no action would be taken against Courroye. In obtaining the journalists’ records, Courroye had sought information about the so-called Bettencourt affair, in which then president Sarkozy and Labor Minister Éric Woerth were accused of receiving illegal funding from L’Oréal cosmetics heiress Liliane Bettencourt.

Accusations of illegal campaign contributions originated in another high-profile media- freedom case related to the Bettencourt affair. In 2010, the center-right newsweekly *Le Point* and *Mediapart* had come into possession of audio recordings of conversations between Bettencourt and her financial manager, taken by her butler without their knowledge. Both outlets published excerpts of the recordings as well as articles based on their revelations, and Bettencourt sued both that year for violations of her right to privacy. After losing their case in July 2013, *Mediapart* appealed the ruling but again lost in July 2014 in the country’s highest appeals court. *Mediapart* plans to challenge the ruling in the European Court of Human Rights.

In September 2010, the High Authority for the Dissemination of Creative Works and Protection of Rights on the Internet (HADOPI) began operation. Under the 2009 law that created it, users who illegally download copyrighted material could face penalties including fines of up to €1,500 for violations. However, in 2013 the provision of the law under which users faced the possibility of having their internet access suspended was removed.

In May 2014, the European Court of Justice ruled that Google Inc. can be forced to remove links that lead to content about an individual, enshrined in what is referred to as the “right to be forgotten.” As of November, users in France reportedly had submitted more such removal requests than any other nation in the European Union.

Although legislation guarantees access to information, rights hinge on the protection of a third party’s reputation, and requests for information are sometimes denied.

In October 2013, the National Assembly passed a law giving greater independence to the CSA. The law

reduced the number of council members from nine to seven and gives these members the power to name the presidents of the three public audiovisual societies in France. Further reinforcing the CSA's independence, the law stipulates that the nation's president will appoint only the president of the council and not two constituent members, as was previously the case.

Political Environment

France's media are robust and express a wide range of opinions, largely without restriction. Journalists generally do not face obstacles to coverage, but in September 2014 a journalist from *Mediapart* and another from *Le Petit Journal* were denied access to the far-right National Front's "summer university" after having already received official accreditation. *Mediapart* is routinely denied access to National Front events. In November, Network Vision cameraman Michel Lecomte was forcibly removed from a city council meeting in the southern town of Montauban, and was subsequently hospitalized for the resulting injuries. Two other reporters who filmed the incident were accosted by administrators and forced to stop reporting.

Media outlets and journalists are occasionally subject to raids and attacks. Website *Rue89* endured numerous cyberattacks from hacker Grégory Chelli after journalist Benoît le Corre published a profile of Chelli in July. These included distributed denial-of-service attacks (DDoS) attacks, which disabled the site; le Corre's family also received threatening phone calls. *Mediapart*, *Libération*, and *Arrêt sur Images* have also reported similar cyberattacks.

Journalists reported increased violence against the press at protests across France during 2014. These incidents occurred at a "Day of Anger" protest against Hollande in Paris in January, pro-Israel and pro-Gaza demonstrations in the summer, and a November rally in opposition to the Sivens Dam in southern France. Attacks included both verbal and physical assaults against journalists and photojournalists, in most cases by demonstrators.

Economic Environment

Most of France's newspapers are privately owned. There are an estimated 1,000 radio stations, and since the state monopoly on radio ended in 1982, private stations have flourished, although public broadcaster Radio France continues to be popular. Nearly 84 percent of the population accessed the internet in 2014.

Many outlets have yet to recover from the financial downturn that began in 2008. In July, the CSA did not grant cable television news channel LC1, owned by the TF1 group, free-to-air status, placing it under financial jeopardy. In September, the newspaper *Libération* reduced its workforce significantly through layoffs and voluntary departures, reoriented its focus toward its web presence, and issued contracts prohibiting the remaining staff from publicly criticizing the newspaper. Often, private media outlets—print and broadcast—are owned by companies with close ties to prominent politicians and defense contractors.

In 2009, advertisements were eliminated on the five public channels during prime time. The lost income was to be made up through higher taxes and licensing fees. However, revenue from taxes has fallen short of expectations, putting financial strain on the public channels.